CITY OF HAMILTON

MOTION

MOVED BY COUNCILLOR MERULLA

MOVED BY COUNCILLOR

That the Rules of Order be waived to allow the introduction of a motion to rescind Item 4 of Public Works, Infrastructure and Environment Committee Report 05-010 respecting Permanent Closure of Public Unassumed Alley South of 1540 Main Street East approved by Council on June 15, 2005
CITY OF HAMILTON

NOTICE OF MOTION

MOVED BY COUNCILLOR MERULLA………………………………………………..

Re: Permanent Closure of Public Unassumed Alley South of 1540 Main Street East, Hamilton (Ward 4)

That Item 4 of Public Works, Infrastructure and Environment Committee Report 05-010 as noted below respecting Permanent Closure of Public Unassumed Alley South of 1540 Main Street East approved by Council on June 15, 2005 be rescinded on the basis that the closure of the alley and sale to the original applicant, St. Columba Presbyterian Church ("the church"), has not proceeded and the Church has abandoned all efforts to obtain these lands from the City.

4. Permanent Closure of Public Unassumed Alley South of 1540 Main Street East (PW05068) - (Ward 4) (Item 7.1)

   (a) That the application of St. Columba Church, located at 1540 Main Street East, Hamilton, to permanently close and purchase the public unassumed alley running east/west to the south of the property, be approved, subject to the following:

      (i) That the applicant make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase unassumed alley south of 1540 Main Street East, Hamilton.

      (ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of alley to be closed.

      (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor.

      (iv) That the applicant register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicant deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services.

   (b) That provided the Judge's Order to permanently close the public unassumed alley is granted:
(i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway.

(ii) That the appropriate by-law be introduced and enacted by Council.

(iii) That the Real Estate Section, Planning and Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299.

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office.

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

(vi) That the City Clerk be directed to publish a notice pursuant to Section 300 of the Municipal Act, R.S.O. 1990, of the City’s intention to pass the by-law.